

MESSAGE NO: 6355613 MESSAGE DATE: 12/21/2006

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-891

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/21/2006 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR THE ANTIDUMPING SCOPE RULING ON HAND TRUCKS FROM CHINA (A-570-891) (VERTEX' MO 480 DELUXE GARDEN CART IS NOT WITHIN SCOPE)

MESSAGE NO: 6355613

DATE: 12 21 2006

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 891

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PERIOD COVERED: 02 21 2006 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR THE ANTIDUMPING SCOPE RULING ON HAND TRUCKS FROM CHINA (A-570-891)
(VERTEX' MO 480 DELUXE GARDEN CART IS NOT WITHIN SCOPE)

1. ON FEBRUARY 21, 2006, IN RESPONSE TO AN ADVERSE RULING BY THE COURT OF INTERNATIONAL TRADE, THE DEPARTMENT OF COMMERCE ISSUED AN AMENDED FINAL SCOPE RULING THAT THE VERTEX' MO 480 DELUXE GARDEN CART IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING HAND TRUCKS FROM THE PRC (A-570-891).

2. BASED ON A REMAND FROM THE COURT OF INTERNATIONAL TRADE, THE COMMERCE DEPARTMENT REDETERMINED THAT THE VERTEX MO 480 DELUXE

GARDEN CART DOES NOT MEET THE DESCRIPTION OF MERCHANDISE INCLUDED IN THE SCOPE OF THE ORDER BECAUSE IT DOES NOT HAVE A TOE PLATE THAT SLIDES UNDER A LOAD FOR CARRYING PURPOSES. THEREFORE, VERTEX' MO 480 DELUXE GARDEN CART IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING HAND TRUCKS FROM THE PRC.

3. EFFECTIVE FEBRUARY 21, 2006, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES OF VERTEX' MO 480 DELUXE GARDEN CARTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER MAY 24, 2004.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE VERTEX MO 480 DELUXE GARDEN CARTS.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ("CBP") ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS

DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF HAND TRUCKS SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING HAND TRUCKS FROM THE PRC.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD

OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE
ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984
OR (202) 482-3577 RESPECTIVELY (GENERATED BY O8:HES).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party